

Law Enforcement News

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Show me the money!

With COPS funds at stake, two Texas PD's do vanishing acts

Two Texas towns, two federal grants, two diverse sets of problems leading to similar outcomes. The one common denominator is the Justice Department's Office of Community Oriented Policing Services, which will ultimately decide whether the municipalities will be on the hook for money spent on police agencies that no longer exist.

Although the problems that plagued the towns of Lyford and Kendleton could not be more different, both accepted money from the COPS office and neither has a police department anymore. In Kendleton, a Fort Bend County town of about 600 residents, the 15-member force was disbanded by the City Council, at least temporarily, in June after a multi-agency investigation found that employees and elected officials had misused federal funds and stolen money collected from traffic fines.

The municipality had received over \$300,000 from the COPS office in 1998 under a three-year grant for the purpose of hiring six new officers. The money was used instead to give raises to sworn personnel already on board, according to the investigation. The probe, conducted by FBI agents, the Texas Rangers and local investigators, also found several officers routinely filled up their

personal vehicles with gas from the department's pump.

In the case of Lyford, the town's police force still exists on paper, but little more, after the acting police chief and remaining patrol officer resigned in June, leaving the city with no local law enforcement presence. The department was paid for with a three-year COPS grant that ran out in February. Lyford, however, is obligated to pay for another full year under its agreement with the COPS office to retain the force. In a non-binding survey, residents have said they would like to keep the department.

"The question of whether to disband the department or not has not been brought up yet," Mayor Rudy Saldana told *The Valley Morning Star*.

There are a number of scenarios for handling both situations, said Dan Boulton, a spokesman for the COPS office. When an agency such as Kendleton has allegedly fallen out of compliance, he said, the first step is giving the grantee a chance to explain the situation. That information would then be forwarded to the office's legal division for review, he said, and a dialogue would be set up between it and the town's attorney.

"There is not one set penalty," Boulton told

Law Enforcement News. "We would evaluate what happened, when they weren't in compliance, and then, if they weren't, work out a method for either bringing them back into compliance and repaying a portion of the grant." The legal division does have the option, he said, of forcing repayment of the entire grant.

The joint state and federal investigation into alleged misappropriations in Kendleton was prompted by a letter from four City Council members to the Texas Rangers in April, according to Fort Bend District Attorney John Healy. The following month, dozens of documents from the town's City Hall were seized by state and federal agents.

According to a warrant sworn to by Texas Ranger Jeff Cook, Kendleton employees and elected officials in December 1996 misappropriated between \$1,500 and \$20,000. Offenses perpetrated by these individuals, the warrant stated, such as the unlawful appropriation of money, violations relating to their office and employment and misused government property with an intent to gain benefit, all occurred in January of 1997, 1998 and 1999.

Cash routinely collected by the town's officers

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Boston PD fires back at critics over its handling of hate crimes

Police and city officials this month defended the Boston Police Department's Community Disorders Unit against allegations that the vaunted anti-hate crime squad — a model for other such initiatives around the country — has lost its edge and is pursuing civil rights violations with less vigor than it has in years past.

The accusations were made in a series of articles published in June by *The Boston Globe*, which asserted that despite a significant increase in the number of hate crimes reported in the city from 1993 to 1999, the number of criminal prosecutions resulting from investigations had plunged. Statistics cited by the paper showed a 57-percent increase in hate crimes, from 276 in 1993

to 433 last year, and a drop in the proportion of those charged criminally from 21 percent in 1993 to 9 percent in 1999 — a 56-percent decrease.

Moreover, the series alleged that the slackening of the unit's enforcement efforts was due to pressure placed on the department by activists in the politically powerful South Boston section, who have long wanted to see the CDU "defanged." The article also questioned the department's mediation efforts in some civil rights cases and its decision to change the way hate crimes were reported to the FBI.

The news reports prompted a quick and emphatic response from Police Commissioner Paul F. Evans and Suffolk County District Attorney Ralph C.

Martin 2nd, who requested that the paper review the series, citing factual errors and insinuations of corruption and disregard for the mission of the unit.

In a letter to *The Globe's* ombudsman, Jack Thomas, Evans called the charges of political influence the most "inflammatory and offensive" of the claims made by the article's author, Judith Rakowsky. The writer neither provided credible evidence to support her allegations, he wrote, nor did she identify those who made the accusations.

"At no point did I or anybody else retreat from our commitment to ensure that everybody's civil rights were protected over there," said Evans in *The Globe*.

The commissioner refuted other contentions in the series as well, writing: "The thesis for the articles... is that there has been a marked increase in hate crimes since 1997, and a decline in the investigation and prosecution of those crimes. This premise is flawed," he maintained, because of changes in the classification and documentation of such charges after that year.

For example, he noted, the articles failed to take into account the changes made in 1996 to the state's 20-year-old hate crimes law, to include attacks motivated by sexual orientation. "Nor does [the] article mention the increased training that the CDU performed from 1997 onward, which was aimed at increasing the awareness of all officers to hate crime," he said.

Formed in 1978 in the wake of Boston's divisive conflict over school busing, the CDU was a crucial element in maintaining the stability of a city nearly torn apart by racial tensions. Under its first commander, Francis M. (Mickey) Roache, who later became police commissioner and is now a city councilor at large, the unit became a model that was cited in training provided by the FBI.

"Under Mickey, every pebble thrown, every word uttered that was racially motivated, had enormity equal to a homicide," a police commander who requested anonymity told *The Globe*. Now, a second official asserted, the unit has lost its cause. "CDU was a vocation for the people assigned to it," he said. "People at the CDU used to be

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The Supremes sing out: You still have the right to remain silent

Although the landmark ruling in *Miranda v. Arizona* was handed down 34 years ago by Supreme Court justices far more liberal than those who currently sit on the bench, it was that more conservative and generally law-enforcement friendly Court that last month surprised many observers when it reaffirmed a decision whose constitutional foundation it had long questioned.

By a vote of 7-to-2 on June 27, the Court said it would not overturn a ruling that had in effect become part of the national culture, with its familiar warnings beginning with, "You have

the right to remain silent."

"Whether or not we would agree with *Miranda's* reasoning and its resulting rule, were we addressing the issue in the first instance," said Chief Justice William Rehnquist in writing for the majority, "the principles of *stare decisis* weigh heavily against overruling it now." The term "*stare decisis*," meaning "to stand by things decided," is the court's standard reference for the doctrine of adhering to precedent.

The ruling in *Dickerson v. United States* stemmed from a case involving the 1997 robbery of a bank in Alexandria, Va. A federal prosecutor asked the

Federal District Court there to admit incriminating statements that the defendant, Charles Thomas Dickerson, had made before being given his *Miranda* warning. The court refused.

Last year, the Richmond-based U.S. Court of Appeals for the Fourth Circuit granted permission to the Washington Legal Foundation, a conservative legal organization, to present arguments before it as a friend of the court. The appellate court admitted not only the confession, but accused the Department of Justice of abdicating its responsibility by not permitting a 1968 law, Section 3501 of the Omnibus Crime Con-

trol Act, to be pressed on appeal.

The law, which has never been enforced, states that "the presence or absence" of any factor such as a *Miranda* warning "need not be conclusive on the issue of voluntariness." Attorney General Janet Reno had opposed arguing Section 3501, contending that it was not a valid exercise of Congressional authority. That stand placed the Justice Department at odds with significant portions of its law enforcement constituency. But, said Reno after the Supreme Court had ruled: "Today's decision recognizes *Miranda* has been good

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Around the Nation

Northeast



CONNECTICUT — The City of Stamford and the Metro-North Railroad were named in a federal lawsuit filed by a New York City police officer who was detained by Stamford and Metro-North police during a robbery investigation. Officer Rita Fleming's lawyer said the incident was racially motivated. A lawyer for the City of Stamford said that the black officer was treated in a "fair and even-handed manner."

The town of Cromwell is seeking a \$125,000 federal grant to place a full-time police officer in area schools. The police department intends to assign a veteran officer to the post and use the grant money to cover the first three years of salary and benefits for a newly hired officer.

A former police officer at Naugatuck Valley Community College has been awarded \$157,000 plus attorney's fees in a federal lawsuit against the chief of the 10-officer campus department. The jury found that the chief, Edward Connole, created a hostile work environment that forced Officer Paul Giglio, 34, to resign. Giglio was the subject of an eight-month investigation regarding alleged racist comments. His lawyer said that the probe was a retaliatory move by Connole after Giglio filed grievances with his union over working conditions. In a separate complaint, the state paid \$96,000 to Sgt. Jessica Stanco, who alleged that Connole harassed her for refusing to cooperate in the case against Giglio.

A new law aimed at reducing prostitution and drug dealing will allow the Bridgeport police chief to order the removal from city property of pay telephones that are considered a public nuisance.

A Hartford police officer has filed a defamation suit against The Hartford Courant and the columnist Amy Pagnozzi. Police Officer Robert Allan, who fatally shot a 14-year-old robbery suspect in April 1999, was later written about by Pagnozzi, who reported that Allan had three times pulled over another man for "driving while black." The paper and the columnist refused to retract the statement. Allan is seeking at least \$15,000 in damages.

DELAWARE — The Safe Streets Program, in which probation and parole officers assist police in patrolling high-crime areas in Dover, has resulted in a sharp drop in violent crime. Rapes have dropped by nearly half and other assaults are down 31 percent. Officers have made 350 arrests during the first year of the program.

MARYLAND — Police in Baltimore on June 26 used a beanbag gun to subdue a knife-wielding man who was holding his 1-year-old son hostage. The 18-year-old man, who had been pepper-sprayed several times to no effect, dropped the 10-inch butcher knife he was wielding after being struck with the beanbag round.

The Baltimore Police Department will now assign two officers to every squad car on patrol. Commissioner Edward

Norris doubled up officers to reduce the need for backup calls and to allow pairs of officers to address street corner drug dealing.

The owner of a Baltimore gun store is suing the federal Bureau of Alcohol, Tobacco and Firearms after the agency revoked his license to sell guns. Larry DiMartino, owner of the Baltimore Gunsmith, was acquitted on state charges that he allowed "straw purchases" in his store, in which firearms were allegedly bought on behalf of criminals. The ATF based the license revocation on the record of the trial. The gun store has long been a target of law enforcement officials. A 1997 study by the ATF found that 19 percent of crime-related guns seized in Baltimore were bought at the store.

NEW HAMPSHIRE — The former police chief at the University of New Hampshire was arrested June 19 and charged with four misdemeanor counts of sexual assault. Roger Beaudoin, 66, is alleged to have groped a male student without consent. Beaudoin retired from the department in April after being asked to step down.

Police in Concord suspect arson in a May 28 fire that damaged an abortion clinic. There were no injuries from the fire at the Concord Feminist Health Center, which was closed at the time. Police have been posted at the clinic. There are no suspects.

NEW JERSEY — The New Jersey Supreme Court has temporarily blocked a lower court order granting parole for Thomas Trantino, 62, who has served 36 years for the 1963 murder of two Lodi police officers. Trantino, a one-time death-row inmate, is the state's longest-serving prisoner and has been denied parole nine times since 1980. The state Supreme Court must still decide whether it will hear a full appeal of the parole order.

A yearlong civil rights investigation in Orange has resulted in the indictment of five police officers on federal charges stemming from the death of Earl Faison, who died in police custody during an investigation into the murder of a police officer. Faison was allegedly beaten while handcuffed, pepper-sprayed and robbed by the officers. Four of the officers face up to 10 years in prison if convicted. The fifth could serve up to 30 years if convicted of all charges.

NEW YORK — New York City Mayor Rudolph W. Giuliani has announced plans to sue gun manufacturers for negligent distribution and marketing of firearms. The federal lawsuit seeks unspecified damages, but one city official estimated the possible award at tens of millions of dollars.

Queens prosecutors have indicted a "John Doe" rapist based on his DNA profile to avoid the statute of limitations running out on the unsolved crime.

A New York City police officer has been indicted in the shooting of an unarmed teenager. Officer Mark Conway, who was chasing the youth for a possible gun on the midnight of May 26, 1999, was struggling with the suspect through the open window of his car when he fired one shot.

Two Emergency Service officers in

Queens revived a heart attack victim on June 19 using a portable defibrillator. It was the first successful use of the life-saving equipment for the NYPD, which began supplying police vehicles with defibrillators nine months ago.

The state Legislature has enacted major changes in the state's gun laws, including requiring mandatory trigger locks and ballistic testing of all new firearms, dubbed "Gun DNA." Other provisions of the bill include raising the minimum age for gun buyers to 21 and a ban on assault weapons.

Three New York City police officers convicted in the Abner Louima torture case were sentenced June 27 to lengthy prison terms for their roles in the crime. Charles Schwarz, who was sentenced to 15 years and eight months for assisting in the attack, told the court, "I refuse to demean myself and beg for mercy for a crime I did not commit." Officers Thomas Wiese and Thomas Bruder were sentenced to five years each for conspiring to cover up the assault.

PENNSYLVANIA — A 911 failure in Pittsburgh and three nearby counties was caused by outmoded equipment that police officials refused to replace, according to Bell Atlantic officials. City and county officials blamed Bell Atlantic, saying that the phone company never told them that the 15-year-old 911 system was dangerously antiquated. The outage, which occurred in a computer switching mechanism, lasted 2 1/2 hours. 911 calls were rerouted manually by Bell Atlantic workers.

A Pittsburgh civilian patrol was lauded by the city's police chief on the group's fifth anniversary. Chief Robert McNeilly Jr. told members of the Squirrel Hill Citizen's Patrol, "You are an important asset to the community and your diligence is appreciated."

An FBI profiler believes that a Philadelphia rapist had no intention of murdering a graduate student in 1998 until police knocked on the victim's door. Police responded to a 911 call from a neighbor of Shannon Schieber who said that he had heard screams coming from Schieber's apartment. Police said that after officers responded, the caller became equivocal. After knocking on the door and getting no response, the officers left because they lacked probable cause to break down the door, officials said. The 1999 report by FBI agent Frederick C. Kingston, which was filed by the victim's parents as part of their federal lawsuit against the police, had never before been made public.

Southeast



ALABAMA — A man already on death row for killing a police officer in 1998 will stand trial in Mobile for the Tuscaloosa shooting of Captain Cecil Lancaster only days before. Lancaster, who recovered from his wounds, was shot shortly after Mario Centobie had escaped from a Mississippi jail. A judge ordered the change of venue to Mobile because of pretrial publicity.

ARKANSAS — The Fraternal Order of Police in Russellville has voted no-

confidence in Mayor Raye Turner, who began an investigation of the police force after a chaise lounge, eventually auctioned for \$15, disappeared briefly from police custody.

FLORIDA — A well-respected Miami police commander has been reassigned to desk duty while the state attorney's office decides whether to charge him with soliciting an undercover police officer posing as a prostitute. Police officials say that the statements of Major Juan Garcia, an 18-year veteran, to the undercover officer were vague and thus the case was referred to the state attorney instead of the major being immediately arrested.

The City of Miami will pay out \$2.5 million to settle a lawsuit because a city attorney found officers' accounts of a 1996 fatal police shooting to be unbelievable and contradictory. Six SWAT officers fired 122 rounds at a suspected drug dealer who had first fired at them and struck an officer in the shield. The man's family said he thought the forced police entry through his door was a home invasion.

GEORGIA — The most expensive manhunt in Georgia history ended successfully when police arrested Bautista Ramirez in the execution-style slaying of Doraville police detective Hugo Arango. Ramirez' cousin, Alvaro Ramirez, was also charged in the murder of the 24-year-old officer.

LOUISIANA — Louisiana state troopers will soon have video cameras installed in their patrol cars as part of a crackdown on drunk driving.

The Baton Rouge Police Department has fired two officers alleged to have stolen and distributed guns seized as evidence. Sgt. Robert McGhee and Cpl. Tommy Morrison, who both worked in the evidence room, were arrested and charged earlier this year.

A New Orleans judge has issued an arrest warrant for a former Gulfport, Miss., police officer who failed to appear in court to face charges of negligent criminal injury following an accident with a New Orleans police car. Mark Hatfield registered a blood-alcohol level of 0.17 after the crash. Officers Christopher Ahner and Christian Hart are still confined to wheelchairs as a result of the injuries they suffered in the crash.

NORTH CAROLINA — The FBI has enlisted the aid of outdoorsmen in the hunt for a bombing fugitive who has been on the run for two years. Local scouts are paid \$15 to \$20 an hour to search the remote western North Carolina hills for Eric Rudolph, who was charged with the 1996 Atlanta Olympic Park bombing. Rudolph is also a suspect in the bombing of an abortion clinic in Birmingham, Ala., in which a police officer was killed.

The NAACP has branded the Newton police shooting of a man armed with 10 guns and 500 rounds of ammunition "murder." Lewis Woods, president of the Catawba County chapter, complained that Licut. Dale Lafone and Sgt. David Sigmon, did not negotiate longer before shooting 63-year-old Joseph Reinhardt, who fired first at the officers. Police Chief David Dial defended the shooting as justified.

Midwest



ILLINOIS — McHenry County bucked Illinois' downward crime trend, registering an 11.1-percent increase in 1999. Crime was down 7.8 percent across the state.

The West Chicago Police Department plans to purchase a computerized fingerprinting and arrest report system within the next two months. The \$200,000 system, which will also store digital images, is expected to cut the time spent processing arrests.

A federal judge has dismissed a suit by five Highland Park police officers alleging that police officials encouraged racial profiling. The officers may re-file the suit, which grew out of an unfair labor practices complaint, if they present a "valid claim in a coherent fashion," according to U.S. District Judge Joan Gottschall. Among the other allegations made against Chief Daniel J. Dahlberg are allegations of anti-Semitism, sexism and union-busting.

It's apparently a win-win situation at the Streamwood Police Department after patrol officer's tours were lengthened to 12 hours from eight. Deputy Chief Alan Popp noted that arrests and citations are up while sick leave and overtime have been drastically reduced. Officers receive extra days off for working the longer shifts.

Three Cook County Sheriff's deputies surrendered June 22 on first-degree murder charges for allegedly beating an inmate to death. Sgt. Patricia Pultz and deputies William Spatz and Lawrence Koscianski are accused of beating Louis Schmude in the Cook County courthouse lockup after Schmude made rude remarks to a female deputy. Schmude died two days after the incident from blunt trauma injuries. Schmude's wife has filed a \$25-million lawsuit against the sheriff's department.

INDIANA — A former Indianapolis police officer was sentenced June 17 to 65 years in prison for his role in the murder of a drug dealer. Myron Powell used his uniform and badge to help an accomplice rob and kill the drug dealer.

A South Bend police sergeant has been cleared of excessive-force allegations by his department's Office of Professional Standards, but the department admitted that "a more professional manner could have been used." Sgt. John Szuba was investigated after a news crew filmed him shoving a suspect to the ground.

Enhanced 911 service for wireless phones will soon be available throughout the state. Forty-four of the state's 92 counties have been without E-911, which directs emergency calls to the nearest 911 dispatch center and gives operators the caller's phone number and the location of the nearest cellular mast.

KENTUCKY — The state has raised nearly \$30,000 for the purchase of police body armor by auctioning 254 weapons confiscated by police. A controversial new law requiring all police agencies to turn over confiscated guns

for auction is expected to result in the resale of thousands of weapons.

OHIO — Brook Park Police Chief Thomas Dease has failed in a court bid to prevent the city's safety director from overruling him on operational matters. Safety Director Eileen McNamara can now schedule officers and issue directives over the objections of Dease, who had resisted directions from the mayor to put more officers on the streets.

WEST VIRGINIA — The American Civil Liberties Union has sued the City of Charleston for the records of its police review board after city officials failed to hand over documents requested under the Freedom of Information Act. Mayor Jay Goldman said that the city could not find any of the requested records, which included minutes of the board's meetings, budget and statistical data.

Preston County Sheriff Cecil Strawser, who was temporarily stripped of his police powers in response to allegations that he and two deputies spied on other deputies, has had those powers restored after a judge overruled county commissioners on the matter. The judge also warned Strawser not to interfere in a State Police probe of the allegations. The West Virginia Sheriff's Association said it will support Strawser if the commissioners again attempt to strip his authority.

WISCONSIN — A sheriff's deputy may appeal his termination through arbitration rather than circuit court, the Wisconsin Supreme Court decided June 20. Frank Rizzo was fired by Eau Claire County in November 1996 for allegedly pointing his gun at a man during a traffic stop for suspected drunk driving. The ruling is expected to have statewide implications.

Walworth Police Chief Michael Bromeland was cleared of sexual harassment charges June 20 by a specially appointed police and fire commission. Bromeland, who was placed on administrative leave in February and accused of violating village personnel rules, is now free to return to work. His administrative assistant had complained of harassment, saying that the chief's request for her to call him by his first name made him uncomfortable.

State troopers have won the right to sue for paid lunch breaks. Troopers are not paid for their 30-minute meal periods, but are considered on duty and must respond to calls. The Wisconsin Supreme Court ruled that troopers do not have to submit to administrative hearings before bringing court action.

A police officer in DeForest saved the life of a heart attack victim with an automated defibrillator. It was the second life-saving defibrillation in less than a month performed by Police Officer James Sturdevant.

The federal government will provide \$437,200 to 140 Wisconsin law enforcement agencies for the purchase of bullet-resistant vests for police officers.

Morton Hetznecker, the chief of police in Hartland for 27 years, has retired after 38 years in law enforcement. During Hetznecker's tenure as chief, he expanded the force from three officers to 16.



IOWA — The City of Cedar Rapids has agreed to pay a \$1.5 million settlement to a former police officer who was injured in a 1996 helicopter crash. Kevin Mason's chopper most likely crashed when fragments from a cracked air filter housing were sucked into the engine. The craft had been certified as airworthy three days before the crash.

MINNESOTA — A state legislator who until recently denied knowledge of drug manufacturing in a studio she owns was present when evidence of methamphetamine production was seized last year, according to the Shelburne County Sheriff's Office. Criminal charges were filed against the daughter of Representative Leslie Schumacher and the daughter's boyfriend after a second search of the site revealed further evidence of meth.

MISSOURI — Two guards in the county jail in Moberly were killed by a man and a woman who were attempting to free a prisoner. Leon Engley, 33, and Jason Acton, 36, were shot to death after they allowed the couple to enter the jail. The couple was arrested 130 miles away. The prisoner, Roy Vance, was transferred to Moberly after a failed jailbreak attempt in Macon County.

MONTANA — The names and addresses of sex offenders in Helena are being published on the city's web site. The sheriff's department in Lewis and Clark County has added the same information to its Internet site.

NEBRASKA — The state will use \$118,000 in federal grant money to purchase 69 video camera systems for police cars, adding to the 519 in-car video systems purchased in the last four years. The majority of the cameras will be assigned to the Nebraska State Patrol and the Bellevue Police Department.

NORTH DAKOTA — Officers in Fargo are expected to write 25 citations a month and to make at least five contacts with citizens per shift, under new "performance expectations" established by Chief Chris Magnus.

SOUTH DAKOTA — The state Highway Patrol recently used a high school in Pierre to train its Alpha Team in responding to possible school shootings and other crises.

WYOMING — Domestic violence victims in Gillette are being forced out of shelters too early, say social workers. A housing shortage makes it difficult for the victims to find new housing within the established 30-day limit.



ARIZONA — A 12-year manhunt for a suspect in the killing of a Phoenix police officer ended when Mexican

police captured the fugitive after a shootout. Rudy Romero, who suffered three minor wounds, faces extradition to the United States to answer charges in the death of Police Officer Ken Collings.

Youngstown police, whose last wage adjustment came in September 1997, will receive a \$1-an-hour raise. Despite the raise, Youngstown still ranks lowest in police wages among nearby departments.

A man accused of killing a White Mountain Apache police officer pleaded guilty to second degree murder. Frank Banashley Sr. faces up to 42 years in prison for shooting Tenny Gatewood in the head last Dec. 9. Banashley's son, who drove his father away from the scene, pleaded guilty to being an accessory after the fact and could receive up to 15 years in prison.

Police in Flagstaff are running tests on a .22-caliber revolver found near where a police officer was killed to determine whether the gun is the murder weapon. Officer Jeff Moritz was shot with what appears to be a small-caliber bullet during a June 22 traffic stop. A 17-year-old suspect, arrested on an unrelated charge, is being investigated for the crime.

A Tucson detective was reprimanded for lying on the stand in the murder trials of three men. Det. Joe Godoy said he tailored his testimony regarding conversations with a confidential witness to avoid a mistrial. The men were being tried separately for a multiple homicide. Two are currently on death row and are seeking a retrial. The third was acquitted.

COLORADO — The man who arranged the purchase of a TEC-9 handgun for the teen-agers who murdered 13 people at Columbine High School in Littleton was sentenced June 23 to 4½ years in prison. Philip Duran pleaded guilty to providing a handgun to a juvenile and illegal possession of a sawed-off shotgun.

NEW MEXICO — Belen police have settled a lawsuit by accepting a federal monitor to investigate all complaints of sexual harassment and discrimination made against the department. The suit accused the department of violating the rights of female employees.

OKLAHOMA — Auditors have substantiated five instances of fiscal impropriety by Muskogee County Sheriff Cliff Sinyard. The state Auditor and Inspector's Office is continuing its investigation of about 20 charges of financial mismanagement and illegal hiring practices.

A Bartlesville police officer must undergo a domestic abuse counseling and evaluation after she was arrested for assaulting her roommate, a police officer in Dewey. The Washington County District Attorney's Office is considering deferring prosecution against Terriann Silva, 39, who had a homosexual relationship with her alleged victim, Elva Kerr. After her arrest, Silva was served in jail with an emergency protective order.

TEXAS — The chief of police in Premont resigned June 26, saying that the new City Council — filled with al-

lies of the mayor — wouldn't work with him. Joe Hinojosa, chief for one year and assistant chief for 13 before that, had twice arrested Mayor Norma Tullos following domestic incidents prior to her election. Tullos blamed the friction between Hinojosa and the council on a probe into the department's finances.

A special investigator has been appointed to investigate the actions of Arlington Police Chief Theron Bowman in breaking up an altercation at his 11-year-old son's baseball game. Bowman restrained a woman who he believed was about to fight someone.

El Paso Police Chief Carlos Leon was reprimanded June 26 for backdating a document. The allegation was among several misconduct charges leveled against Leon by his second-in-command, Assistant Chief George De Angelis. The command staff of the department also faces a management audit.



ALASKA — Police in Anchorage searching for a bank-robbery suspect were assisted by an Air National Guard airplane equipped with infrared sensors and a global positioning system that located the man's exact position. This was the first time that the aircraft, which is often used in drug interdiction, was used to assist local police.

The City of Kenai has agreed to pay \$225,000 to settle a civil suit alleging that an on-duty police officer sexually assaulted a woman. Mark Langseth did not face criminal charges after the Anchorage District Attorney's office declined to prosecute, citing insufficient evidence. Langseth was suspended and eventually terminated, but was reinstated by the Kenai City Council.

CALIFORNIA — A former Fresno police officer and Baptist minister faces up to 21 years in prison following his conviction for involuntary manslaughter in the shooting death of his lover's husband. Paul Hurth, 44, a police officer for four years, claimed that he shot the man in self-defense.

The San Diego County District Attorney will not bring charges against a police officer who fatally shot a knife-wielding man. Ron Brad Fields was straddling his mother's chest while holding two knives and threatening to stab her. Police Officer David Caruso fired one shot, killing Fields.

The former treasurer of the Monrovia Police Officer's Association was sentenced June 23 to 16 months in prison for stealing \$124,000 from the association. James Eugene Ferris was also ordered to return the money and to pay \$11,300 in state taxes.

The San Diego City Council has approved a settlement of \$50,000 to a teenage girl who said she was fondled by a San Diego police officer. Brad Hamby, who later left the force, was the subject of an internal investigation that concluded he searched the girl, fondled her and ordered her to expose her breasts.

Violent crime is reportedly on the rise in Los Angeles, with murders up 26.8 percent. Emergency calls have increased 12.9 percent and violent crime overall has risen 7.1 percent. The largest increase in killings occurred in LAPD's South and Central Districts, which have high concentrations of gangs. The department recently changed some of its anti-gang tactics as a result of the recent corruption scandal involving gang unit officers in the Rampart Division.

IDAHO — The state will receive \$5 million in federal funds to help clean up dangerous chemicals at clandestine methamphetamine labs. Police in the Idaho panhandle have discovered 47 methamphetamine labs so far this year.

NEVADA — A Las Vegas police officer was shot in the face as he responded to a robbery call at a restaurant. Police Officer Peter Rossi lost his left eye as a result. Police made one arrest and were looking for two other suspects who are also wanted in connection with a carjacking.

OREGON — Portland Police Chief Mark Kroeker is under fire from critics who accuse him of lying to the City Council about a confrontation between police and workers' rights demonstrators. Nineteen people were arrested during the May 1 incident, in which police clad in riot gear fired beanbag rounds for crowd control. Kroeker said he would make changes in the department's crowd-control tactics, including the establishment of a specially-trained rapid response team that would respond to all similar events in the future.

A record-low number of homicides in Portland — four in the first six months of 2000 — has given detectives a chance to concentrate on unsolved cases. Homicide detectives, who have a long-term clearance rate of 75 percent, hope that DNA technology will help them crack some of the old cases.

WASHINGTON — Seattle police have assigned a second investigator to focus on the city's more than 300 unsolved homicides. The department hopes to add three more "cold case" investigators by 2001.

Two King County sheriff's deputies in a helicopter had a high powered laser shone in their eyes as they helped Seattle police search for a suspect June 16. The officers were able to land the craft safely and were treated for headaches and "scratchy" eyes.

Morton Police Chief Dan Mortensen, who was fired after an audit by the town's insurance carrier found sloppy paperwork and unsecured crime evidence, has been restored to his job by the town's Civil Service Commission. Morton's punishment for the shortcomings will be forfeiture of pay lost between his dismissal and reinstatement.

A civil lawsuit against two Spokane police officers in connection with a 1993 shooting death has been dismissed by the Washington Court of Appeals. Officer Ben Estes shot and killed Elwood R. Lee after Lee pointed a rifle at Officer Kevin Langford, Estes' partner. Lee's family was seeking \$5 million in damages from the officers and the City of Spokane.

Close to home

After a lengthy nationwide search, Virginia Gov. **Jim Gilmore** filled the top post in the State Police by sticking with tradition rather than choosing any of the groundbreaking options he had considered. The state's new top cop, Lieut. Col. **W. Gerald Massengill**, had been serving as acting superintendent since January, when Col. **M. Wayne Huggins** left to take a job in the private sector.

Gilmore chose Massengill over two other candidates who would have made Virginia history if either had been selected. One finalist, Richmond Police Chief **Jerry A. Oliver**, would have been the first black superintendent of the State Police, while another, Durham, N.C., Police Chief **Teresa Chambers**, would have been the first woman named to the post.

In addition, the appointment of either Oliver or Chambers would have marked the first time in recent history that a Virginia State Police superintendent was chosen from outside the organization's ranks.

Massengill has "performed in exemplary fashion" since taking the reins on an acting basis, said the governor, who called his selection of the 33-year State Police veteran "the correct approach... the right thing to do."

A member of the U.S. Air Force security police from 1961 to 1965, the



Supt. **W. Gerald Massengill**
"Humbled & honored"

58-year-old superintendent will oversee 2,500 sworn and civilian personnel, and manage an annual budget of \$212 million. After learning of his selection, he told The Richmond Times Dispatch that he is planning no major changes within the department and will continue the crackdown on interstate speeders and shipments of illegal drugs.

An elated Massengill said he was "humbled and honored" to be named to the top position. "We're doing so many things right... I'm just excited to be a part of the team that's contributing to the creation of a safe Virginia," he told The Times Dispatch.

One of his main focuses, he said, will be to ensure his employees' contentment. "Morale for the most part is good right now," he said. "And I think one of my priorities will be to continue to make the working environment within the State Police enjoyable."

Back to school

It's not every police chief who is willing to downplay his title and lay low in order to blend in with a class of police recruits. But Charlotte-

Mecklenburg Police Chief **Darrel Stephens**, a 32-year police veteran, did just that, and on June 5 he was one of 41 recruits to graduate from the Charlotte-Mecklenburg Police Training Academy.

Stephens, 53, who had not attended a police academy since he first graduated in 1968, sat in on the legal classes and took all of the tests during the 19-week program. He was excused from the physical training. "It's been a long time since I've been to the police academy," he told The Charlotte Observer.

Many of his fellow students were impressed with Stephens' attitude and behavior during classes. **Carlos Lopez Jr.**, who moved to Charlotte from California, said of his academy classmate and now boss: "He is just an all-around good guy. He was always the first person to say good morning. He went out of his way to be nice to us."

Stephens has been the Charlotte-Mecklenburg chief since last September. He has previously held police chief posts in St. Petersburg, Fla., Largo, Fla., and Newport News, Va.

SWAT doctor

Looking to combine law enforcement with medicine, Dr. **Richard Tovar**, chief of staff at Oconomowac Memorial Hospital in Wisconsin, was to be sworn in in July as a New Berlin police officer, enabling him to enter crime scenes empowered to render medical aid as well as make arrests.

Tovar, 41, began working as an on-call volunteer for New Berlin's SWAT team in 1996 and has been training monthly with tactical officers. He is the second doctor in Wisconsin to become a sworn tactical police officer, following Dr. **John Robinson**, the emergency room director at Sinai Samaritan Medical Center, who works with the Walworth County Sheriff's Department.

"This is kind of a cutting-edge thing," the New Berlin SWAT team commander, Lieut. **Steven Morris**, told reporters. "As a sworn officer, we can arm him and we don't have to take away

manpower to provide him with security."

As a civilian volunteer, Tovar was restricted to the police command post at crime scenes, usually a safe distance from the action. If he needed to enter the danger zone, he had to be accompanied by sworn officers for his protection.

Tovar paid his own way through the basic police recruit academy at Waukesha County Technical College, and also completed basic and advanced SWAT training with the Waukesha County Sheriff's Department and at the Federal Law Enforcement Training Center in Glynco, Ga.

Don Hunjadi, executive director of the Wisconsin EMS Association, said that in light of the recent incidents such as the massacre at Columbine High School in Littleton, Colo., having tactically trained medics or doctors at crime scenes can be beneficial because emergency medical technicians are generally prohibited from entering crime scenes until they have been secured by police. By then, he said, it is usually too late to save lives.

The marriage of emergency medicine and tactical law enforcement is said to be increasingly common in Florida and some larger jurisdictions on the West Coast, but officials told The Milwaukee Journal Sentinel that the practice is rare in the Midwest.

Although some of Tovar's medical colleagues don't understand what he might be trying to prove, the doctor speaks clearly of his goals. "What I am trying to do is bridge law enforcement with medicine," he said. "I'm trying to promote it as a science, and tactical emergency medicine is one way to do that."

At the request of Police Chief **Charles Schroeder**, the New Berlin Common Council created an unpaid sworn officer position for Tovar.

Forgotten no longer

On May 17, 1792, Westchester Deputy Sheriff **Isaac Smith** became the first known law enforcement officer in the United States to be killed in the line of duty. Nearly 208 years later, he was accorded rightful, if belated honors when his name was added to the National Law Enforcement Officers Memorial in Washington, D.C.

The events that led to Smith's death began to unfold when John Ryer, a respectable cattleman and farmer in Westchester County, started causing trouble at the Hunts Inn, a tavern owned by Levi Hunt in what is now the South Bronx. Smith was called by Hunt to help restrain the heavily intoxicated and unruly customer. Smith tried to arrest Ryer, who fatally shot the deputy with two flintlock pistols.

Ryer fled to Canada but was later apprehended. In September 1793, Ryer was convicted of murder and hanged outside the Old Westchester County Court House in White Plains.

Smith, who was recently added to the memorial's wall of heroes along with 279 other officers killed in the line of duty, would have remained unknown to Americans but for the efforts of **Michael Bosak**, a retired New York City police officer and an amateur police historian, who stumbled upon records about Smith in the Westchester

County archives.

Bosak has also recovered 62 other names of fallen police officers, although none of these deaths have yet been recognized by city officials. Speaking of his work in gaining official recognition of Smith's sacrifice, Bosak told The New York Times: "It feels great to see him be recognized. Every last one of these guys deserves to be honored."

No potted plant

Arthur Spada, a Connecticut Superior Court judge who recently led the grand jury investigation of police corruption in Hartford, has taken over as the state's Commissioner of Public Safety, succeeding world-renowned forensic scientist Dr. **Henry C. Lee**.

Lee, 61, whose investigation of blood stains on a sock helped win the acquittal of **O.J. Simpson** on murder charges, said he believed that he had fulfilled his duty as the public safety commissioner during his two years in office, and now plans to focus his energy on unsolved murders, such as the JonBenet Ramsey case. "I have finished the projects I promised the governor I would get done and now it is time to step back," Lee said.

Spada, 68, stepped down as a judge in early May in order to take the public safety post. Spada will now oversee a department with a \$114-million budget and more than 1,400 employees — and one that, prior to Lee, had had three commissioners in four years.

High on Spada's list of goals for the State Police is reducing lawlessness and accidents on the state's highways and roads. Spada will also oversee completion of a new police communication system, which will replace the 60-year old radio system that has been plagued by dead spots in some parts of the state. The new system is expected to be completed by the end of the year.

Spada also plans to seek an increase in the number of state troopers from 1,150 to 1,248.

The new commissioner told Law Enforcement News that perseverance is a key attribute that will contribute to his effectiveness on the job. "I think that all work is considered noble, and I also believe that in order to work efficiently, you must work as many hours as necessary. You work nights, Saturdays and Sundays if need be," he said.

"People skills" are also part of the Spada package. "I relate to people easily, to everyone around me," he said, "whether they are high commanders or they are the lowest ranked troopers in my organization. I can simply relate to them and understand what their goals, concerns and problems are."

In a news release issued by the Gov. **John G. Rowland's** office, Spada stated: "I have always had the highest respect for the men and women of the Department of Public Safety and I look forward to leading an organization with a national reputation for excellence."

Spada took a positive outlook on his future as public safety commissioner, saying he expected to stay in the job for at least as long as Rowland was in office. He was not viewing the appointment as a caretaker role. "I'm not going to be a potted plant," he told The Associated Press. "I'm not going to sit there as a ceremonial figurehead. I expect to do work and earn my keep."

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New kid in town

Earl Misch, 64, talks with reporters after graduating from the Chicago Police Academy on June 30. Misch, with two careers already behind him, decided to become a cop rather than retire, but may be forced off the job at the end of the year because he has passed the recently changed mandatory retirement age of 63. (Wide World Photo)

Ga. county force lends an ear to deaf residents

Although it has yet to receive a call for a sign language interpreter, the Henry County, Ga., Police Department is not waiting around for an emergency. In May, the agency launched the first initiative in the state aimed at providing interpreters on a 24-hour basis for the jurisdiction's deaf and hearing-impaired residents.

The proposal for the Henry County Interpretive Services Program was made by Capt. Tim Hatch, head of the agency's uniform division. While only infrequent need is foreseen for sign language interpreters, it does not relieve the need arise, he said. Under both state law and the federal Americans with Disabilities Act, an interpreter is required whenever a hearing-impaired person is involved as a suspect or a witness, or if the proceeding involves a minor with hearing-impaired parents.

"What we were looking at as a problem is just the time factor more than anything else," Hatch told Law Enforcement News. "If I have somebody who is dealing with a deaf or hard-of-hearing person in the middle of the night, maybe they're a victim of a crime or about to be arrested, the bureaucratic process was just so cumbersome and nobody knew who to call," he said. "It was just impossible to figure out how to deal with it."

Through a sign-language interpreter Hatch met through his church, he was able to contact a number of deaf interpreters residing in the county, as well as the national Registry of Interpreters for the Deaf and the Georgia Registry of Interpreters for the Deaf. He eventually came up with seven qualified sign-language interpreters in the jurisdiction. All of them said they would participate if a program were to be developed, said Hatch.

"Some counties are unwilling to comply with ensuring effective communications with deaf or hearing-impaired residents," Jennifer Whitcomb, director of the Georgia Council for the Hear-

ing Impaired, told The Atlanta Journal-Constitution. "Other counties do not know what to do, so the best solution is to ignore the reality of the need."

According to the state Department of Human Resources, there are 28,301 Georgians who are deaf and 328,935 who are hearing-impaired. At the Eagles Landing First Baptist Church, which Hatch attends, there are roughly 24 deaf and hearing-impaired members.

"Any agency that can help accommodate the needs of people who are deaf or hard of hearing is providing a valuable service to the community," said DHR spokesman Peter Lee. "We hope others will follow [Henry County's] example," he told The Journal-Constitution.

In creating its program, the police department essentially eliminated the middleman, Hatch explained. While there are agencies that can provide certified interpreters, as required by law, they could not guarantee their arrival on the scene within an hour — or even within 24 hours, he noted. Under the new program, interpreters agree to be on call on a rotating basis in exchange for a full fee of \$45 an hour during the business day and \$50 after hours and on holidays that they do not have to share with an agency. They are guaranteed a minimum of two hours pay for every call.

The fee, which will be picked by the county, comes out to be roughly equal to that of the least expensive interpreting service agency. However, police can be sure that an interpreter will arrive in a timely fashion.

"We haven't dealt with any situation that I know of that required [an interpreter] or have been asked to provide one," Hatch told LEN. "I have been advised there was a situation that occurred in the county with another agency where an interpreter was requested and actually required under law, but was not provided. That, of course, opens up a significant liability problem."

Students teach police a few things about clearing a backlog

Four Fort Worth high school students hired in April by the city's police department under a statewide program have provided officers with the opportunity to get out from under a backlog of data entry while promoting maturity in the teenagers, according to police and education officials.

Although private businesses and public agencies in Fort Worth have participated in the career education cooperative program for decades, this is the first year that the police department has used student labor.

Over the past two months, the four students — 16-year-olds Elizabeth Sanchez, Timothy Cannon and Daniel Meza, and Tonya White, 17 — have helped the department catch up on entering information from crime reports into its Direct Entry Computer Offense Reporting unit, called DECOR. For a variety of reasons, the backlog had grown from an average of 75 to 200 reports to more than 1,600, said Valerie

Gillespie, a customer service supervisor.

"They were a tremendous help," she told The Fort Worth Star-Telegram. "They were able to work on those reports while we were working on citizen calls, alleviating the pressure on the people in here having to do both at the same time."

The students have been so exemplary, in fact, said Dan Matkin, director of the records division, that he would hire twice as many if he had the budget. "What we get out of them is some pretty dedicated workers who come in and transcribe offense reports and do a pretty good job," he told Law Enforcement News. "I'm going to continue it from here on out. It gives me someone who is interested in doing the job and can work after school. It's a good program."

The teenagers, who are paid \$7 an hour to start and up to \$9.50 after six months, work from 20 to 32 hours a



Sign of the times

A car drives through downtown Los Angeles past a sign calling for support of the city's police officers. The billboard campaign sponsored by the local police union is aimed at boosting the LAPD's morale and public image in the midst of a corruption scandal. The signs are expected to remain up through the Democratic National Convention, which will be held in the city in mid-August. (Wide World Photo)

Orange radio system is proving itself a lemon

After several failed attempts to debug the area's \$80-million emergency radio network, officials in Orange County, Calif., have decided to halt an ongoing expansion of the system.

The new 800-megahertz system,

which is being built by Motorola, has been operating in Irvine and Tustin since April. It replaced a 30-year-old system that was the focus of harsh criticism in 1993 when fire departments were unable to communicate effectively while fighting the devastating Laguna Beach fires.

Although designed to enhance communication between police and other emergency service providers, the new radio system has been fraught with problems, including failing to pick up calls from dispatchers, relating delayed or garbled messages and draining the batteries on police motorcycles. Reception is blocked in some areas, such as underground parking facilities, leading to what some officers say are tense, even life-threatening situations.

Irvine, the first city to install the system, has been bombarded with hair-raising malfunctions in the radio grid. In one case, an officer who was trying to escape a rowdy crowd after a concert at Irvine Meadows was unable to start his motorcycle because the radio had drained his battery. The system was also blamed for delayed communications during critical moments in a search for two carjacking suspects.

Wireless phone transmitters, of which there are hundreds throughout the county, have been known to interfere with signals from the new system, at times preventing communications within 100 yards of a transmitter.

Members of the county oversight committee halted the expansion of the

network to other cities because of the reported problems. "We're simply not going to authorize moving forward with those cities until we rectify the problems that we're having," Allan L. Roeder, the Costa Mesa city manager and chairman of the committee overseeing the radio network, told The Los Angeles Times.

Motorola brought in a team of technicians from Chicago and Florida to work on the radios, and the company plans to meet with county officials to present a timetable for fixing the difficulties. Motorola, however, hesitated to say when the alterations would be complete. Orange County officials had initially hoped to have the county sheriff's and police departments using the system by beginning of next year, but problems have pushed the expected completion date back to at least the fall of 2001.

"Motorola wants the officers and the county to have confidence in the radio system," company spokeswoman Pat Sturmon told The Times. "We'd like to say that we think that it's going to proceed very quickly because we do feel that a lot of the issues are resolvable."

In the meantime, Irvine officers are said to be so frustrated with the system that they often use their cellular phones to contact dispatchers instead of the new radios. "We're tired of being the guinea pigs," said Sgt. Dave Mihalik, the president of the Irvine Police Officers Association. "To me, the system we had was better than the system we're currently using."

What to do when things get out of hand

LAPD's 'Laker victory plan' criticized after rioting

Why did NYC cops stand idle while crowd mauled women?

As the heat rose inside the Staples Center in Los Angeles on June 19, with the hometown Lakers on the brink of capturing the National Basketball Association title, the intensity level was also building among the more than 10,000 fans gathered outside the arena to watch the game on a large video screen.

Shortly after the Lakers won the city's first professional sports title in 12 years, fans on the streets showed their elation by jumping on and burning cars, including police vehicles, looting stores, tearing branches from trees and setting fire to trash cans. The riotous behavior lasted for hours, and prompted a barrage of questions regarding the police response — or lack of one — to the disorder.

The Los Angeles Times reported that police officials devised a "Laker Victory Operation Plan" calling for a restrained police response to any outbursts by fans. Officers were also told that they should "minimize enforcement action" after establishing contact with the crowd. The plan developed by police Comdr. Mark Leap included five main objectives: restore and maintain order; protect lives; protect vital facilities; arrest violators, and protect property.

Police union president Ted Hunt said the plan seemed reasonable, but commanders restrained the officers. "There should have been a stronger response," he told Los Angeles Times. "The plan's first priority was to maintain order, because without that, anything can happen. You saw the television footage. Did they maintain order? Ask the auto dealers about that."

Television news footage showed disorderly fans attacking vehicles and a news van as dozens of officers in riot gear looked on. Police Chief Bernard Parks defended the department's response to the mob, however, emphasizing that the officers accomplished

their top goal of ensuring that no one was killed or seriously injured. That wasn't much consolation to one local businesswoman.

Lisa Jones, the owner of Esprit Limousine in Redondo Beach, told The Associated Press: "My driver asked for help and said, 'They're tearing up my car,' and the officers said, 'They're tearing up LA.'" Jones, whose eight-passenger limousine sustained about \$10,000 in damage, was skeptical of department claims that police were doing all they could to protect people from danger. "As far as I'm concerned, the people in my car were in physical danger and they still did nothing," she said. "Their job is to protect and serve, and they did neither."

Despite the thousands of fans outside the arena during the game, only 11 arrests were made and about a dozen people received minor injuries.

Some observers contend that the low-key reaction to the rioting stemmed from police fear of acting harshly against minorities. Dennis Prager, a syndicated radio talk-show host heard on KABC in Los Angeles, asserted that police are told not to stop criminality when the crimes are committed by minorities.

"This policy is obvious to all who have eyes to see it," Prager wrote in an op-ed article for The Times. "It explains why police in New York City ignored the many women who begged them for help after being sexually attacked at the Puerto Rican Day parade. It is an open secret that the police were essentially under orders to avoid any confrontation with that Latino minority." [See related story, this page.]

Experts say that there is no evidence to support the idea that police have become lax in their dealings with minorities. "The fact is that minorities still are disproportionately harassed and arrested by police," said Christopher Slobogin, a University of Florida law professor who studies police practices. "Abuse is so common that some people no longer bother to complain."

The New York City Police Department is no stranger to intense public scrutiny lately, and the heat only got hotter following a series of incidents that came after the June 11 Puerto Rican Day parade, when at least 47 women were robbed, groped, stripped and verbally and physically harassed in Central Park while police officers stood idly by.

New Yorkers, the local media and even some police officials have been left to wonder what went wrong with law enforcement that Sunday afternoon.

One explanation, the one most often cited by police officials, is that the NYPD was apparently unprepared for the events surrounding the popular parade. Others, meanwhile, claim that officers failed to take immediate action for fear of offending the minority group members who were harassing and assaulting the women. The latter explanation has also been voiced by some Los Angeles residents regarding police failure to control roving, rioting mobs after the Lakers' championship-clinching game on June 19. [See related story, this page.]

New York Mayor Rudolph Giuliani and Police Commissioner Howard Safir have conceded publicly that the parade should have been better policed. Giuliani commented that while extra traffic agents were positioned in the area near Central Park South and Sixth Avenue, the place that the attacks occurred, more experienced officers were patrolling areas that have been trouble spots in the past. Ultimately, the area around the southeast corner of the park was left with little police presence, despite the 4,000 officers stationed at the parade site. In addition, hundreds of officers were dismissed starting at 5 P.M.

In addition to the poor deployment of officers, Safir affirmed that the police did not respond efficiently to numerous pleas of help from the female victims. A departmental review, which included interviews with 236 officers, found that some commanders failed to deploy

officers properly and failed to adjust to the changing crowd conditions. The review also found that some officers ignored the women who approached them with complaints about the assaults.

"I feel very personally responsible," said Safir. "We are better than how we acted on that particular day. This one should not have happened."

Nine NYPD officers, including six supervisors, are now facing disciplinary action as a result of the Central Park attacks.

One victim, Anne Peyton Bryant, described how, after she escaped from her attackers, disheveled and with her clothing torn, she found a police officer who ignored her. "I told him I was assaulted, and he acted like it was nothing," the 29-year-old fitness instructor told The Daily News. "He referred me to some other officers."

Bryant spoke to two other officers who also steered her away to the nearby 17th Precinct, where they told her to report to another precinct, and finally directed her to police headquarters.

Safir react quickly and emphatically to allegations that the NYPD did not take action against the male attackers because it did not want to appear to be taking harsh measures against Latinos. "Let me clear it up once and for all," Safir told reporters. "There are no special parameters for the Puerto Rican Day parade."

The NYPD has had tense relations with minority groups in the city in the aftermath of several high-profile brutality cases and police shootings.

Amateur videos captured the attacks as they unfolded, showing men pouring ice and water on dozens of women, tearing at their clothes and groping their breasts and buttocks. The videos have been used by police to identify and arrest dozens of the assailants.

Armstrong tactics in Louisville:

Subpoena issue muddles civilian review board debate

Louisville officials and the city's Fraternal Order of Police Lodge 6 are going to court over the adoption last month of a civilian review board ordinance that would confer on the proposed panel subpoena powers which the Board of Aldermen granted itself under the measure.

The ordinance was passed by the board in June after it voted 8-4 to override Mayor Dave Armstrong's earlier veto. Key among the review board's powers would be the authority to subpoena witnesses, hire its own investigative staff and take complaints directly from the public. The board could also conduct evidentiary hearings, and while it would have no authority to recommend disciplinary action, its findings would be forwarded to the chief of police.

Armstrong vetoed the ordinance just days after it was first passed on May 9.

The measure, he claimed, gave the review board improper authority to issue subpoenas, violated the Open Meetings Law by mandating that hearings be closed to the public, weakened Armstrong's executive power as mayor, and violated the collective bargaining contract between the union and the city.

"I have been opposed to civilian oversight in the forms that have been discussed," he told The Associated Press. "However, I am not opposed to all forms of civilian oversight. In this case, the ordinance that was narrowly passed by the Board of Aldermen is flawed."

On June 14, FOP attorney Tom Swicegood filed for an injunction in Jefferson Circuit Court, requesting that the city be enjoined from implementing the measure. The Kentucky Supreme Court, he said, has ruled that a Board of Aldermen cannot "lend" its

subpoena powers to another authority. Those powers, he said, are limited to impeachment of executive officers, and the only way a civilian review board could obtain them is through an act of the state legislature.

"Yes, they may be able to get sub-

"Subpoena power is a very powerful tool and it's very easy to abuse with it and harass with it."

— FOP attorney Tom Swicegood

poena powers, but they'll have to wait for the next general assembly and go through the legislature to get it." Swicegood told Law Enforcement News. "Right now, there are two different issues: whether or not you are for civilian review authorities having subpoena power in the first place. But it's moot in Kentucky because it is just illegal."

The president of the Board of Aldermen, Steve Magre, cast the key vote to override the veto, saying that he supported the measure in an effort to keep the issue alive. Had it failed, the city could not have brought it up again for two years.

Under a compromise he has proposed, the measure would first be chal-

lenged in court to determine the legality of its provision granting subpoena power. The board would then rescind the ordinance once a decision was rendered, and supplant the measure with one that would extend the proposed review board's oversight to civilian em-

ployees as well as police. It would also eliminate its authority to compel testimony.

Swicegood said that proposal has been circulated but is not currently on the table. The FOP's aim, he said, is first to abolish the measure as it now stands. "Subpoena power is a very powerful tool and it's very easy to abuse with it and harass with it," he said. "We've got civil service review right now and that has subpoena power, we have a grand jury that has subpoena power, a coroner's inquest with subpoena power. So if an issue is that serious where that should come in, there is already a mechanism for it."

He also filed a union grievance last month alleging that the law violated the

contract that runs until the end of June 2001. Under Article 18 of that document, only the internal affairs division is permitted to investigate allegations of police misconduct. The ordinance calls for parallel investigations to be conducted. Swicegood said the ordinance also violates a section of the contract requiring that the agreement between the city and the union be observed and followed for the "orderly settlement of all disputes or questions."

"That contract we negotiated is supposed to be the only agreement between the lodge and the city," Swicegood told The Louisville Courier-Journal.

Mark Gissner, an attorney and first past president of the International Association for Civilian Oversight of Law Enforcement (IACOPE), called the process of bestowing subpoena power on a civilian board by a Board of Aldermen a reasonable compromise.

"Basically, all you're offering is a new strategy from the traditional method of investigating police complaints, and you're getting a citizen perspective on it," he told LEN. "Historically in this country, we've always gotten the police perspective. I think it's been very positive in improving community relations. Police don't want to give up the turf they think they've gained."

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Philly cops get a better handle on rapes

Without putting too fine a point on it, rape victims whose cases were among those written off by Philadelphia police investigators in years past were probably treated in an unprofessional, improper and "god-awful" manner, said Police Commissioner John F. Timoney in testimony this month before the City Council, in which he revealed the results of his move to reinvestigate hundreds of sex crimes dismissed since 1995.

A review of some 2,000 cases dating back five years — the statute of limitations in rape cases — was prompted by a series of articles in *The Philadelphia Inquirer* documenting how the police department's Special Victims Unit had for years improperly dumped as much as a third of its caseload. The dismissals were made without the knowledge of either victims or their advocates, according to the newspaper.

In tackling those cases from 1995 and 1996, about 1,000 have been found to have involved serious crimes, including rapes, other sexual assaults, robberies, kidnappings and aggravated assaults. Hundreds more could be uncovered as investigators continue their

review of the remaining 1,250 cases.

"There is no effort to hide, to gloss over," Timoney told members of the council's Public Safety Committee. "There were some women who were raped, subjected to some kind of a sexual crime, that the police treated at the least improperly, probably unprofessionally, and probably in a god-awful manner," he said.

The reinvestigations have been conducted by the Quality Assurance Bureau, a new division Timoney created soon after assuming command of the department two years ago. Said Chief Inspector Vincent DeBlasis, who heads the PPD's auditing branch, the original investigations "left a lot to be desired."

Auditors and detectives have found the unit to have dumped 346 rapes and 469 other sexual offenses, ranging from molestations to forced oral sex. Another 178 were also found to have been dropped and often poorly investigated, including beatings, robberies and kidnappings.

With victims and witnesses now difficult to find, or refusing to cooperate after their treatment by police during the initial investigation, it is doubtful

that most of these cases will be solved. But police have arrested 36 suspects in the reopened cases, and obtained warrants for seven more, said Timoney.

One of the suspects includes a man charged with repeatedly raping children in the Kensington section. He allegedly attacked one victim again, a 7-year-old girl, after the initial complaint was buried by police.

While the former practices of the PPD's rape squad have been deplored by women's groups and the commissioner, the new squad, headed by Capt. Joseph M. Mooney, has received high praise. Last year, 1,000 rapes were reported, up from 650 just three years ago.

In the first few months of this year, the unit has made 959 arrests — an increase of 52 percent over the same period in 1999.

As for the culture of "blaming the victim," Mooney said he and his commanders in the 95-member unit scrutinize each investigation. "The supervisors and the investigators understand that their opinion about the victim's believability or not has absolutely nothing to do with where the investigation is going," he told *The Inquirer*. "They have to conduct an investigation and do all the steps that are needed."

Timoney, who took the unusual step of allowing women's organizations to

review the files, hailed the move as a success and possible model for other agencies. Carol E. Tracy, who heads the coalition that reviewed 104 cases rejected by police for being unfounded, said the complaints had been thoroughly investigated and legitimately dismissed. In many cases, she said, the victims had recanted their accusations.

Tracy, director of the Women's Law Project, said, however, that better communication between the Special Victims Unit and domestic-abuse units within the agency are needed so that real victims do not drop their complaints out of fear of reprisal by their attackers.

Rising up in Defiance over fed Fair Labor Standards

Members of the police union in Defiance, Ohio, this month joined the ranks of some two dozen other such groups across the nation that have filed federal suits in recent years in an effort to compel compliance with the Fair Labor Standards Act.

The 50-year-old statute, which includes all municipal employees, requires that for every hour worked in excess of 40 hours per week, time-and-a-half in overtime must be paid. Employees may also receive compensatory time off in lieu of payment at a rate of an hour and a half per hour of overtime.

At issue is a 1994 ruling by the United States Department of Labor, which states that a police agency may not use a pre-set minimum staffing level to justify denying requests for compensatory time off by officers without first offering time and half to others to work in their place.

"It is simply a matter of fairness," said Defiance Police Officers Association president Steve Gebhart. "When the city promises to pay an officer in

time off knowing that it will not be able to honor that promise, there is a real problem," he said. "At the core of the problem is we have 24 police officers enforcing the law in a community which under normal conditions would require more than 30 officers."

The suit, which was filed in the U.S. District Court for the Northern District of Ohio on June 21, claims that the Defiance Police Department refused to comply with the directive as recently as February 2000 after being informed of the violation by a DPDA representative and a member of the International Union of Police Associations (IUPA), the local's parent organization.

Rich Roberts, a spokesman for the IUPA, maintained that it is the police officer, and not the department, who has the option of deciding when to take the compensatory time. Violations often occur around the area of roll call and travel time.

"The officer is required to appear for roll call at a certain time on the shift, and is not paid until he reaches the street," Roberts said in an interview

with *Law Enforcement News*. "We consider that work time, the law considers it work time. A lot of departments violate that."

He also noted a similar problem with canine officers who are not paid for time spent caring for the dog. "There are a host of things that occur in police work that do not occur in the regular work force that the FLSA did address."

The violation of FLSA guidelines undermines the work done nationally to establish compensatory time as a way of improving the law enforcement profession by reducing officer stress. Said Michael Leibig, the IUPA's general counsel: "As recently as May of this year the United States Supreme Court emphasized that the purpose of the FLSA rules on compensatory time was to protect officers' right to flexible access to time off when they need it. In reality, a police officer must have some control over his time off if he is to operate efficiently."

Cities can avoid the problem of excess overtime, Leibig said, by maintaining sufficient staffing.

Summertime, and the look is casual for two Texas PD's

Two Texas police departments are putting a new spin on style this summer, with some officers now having the option of wearing shorts and polo-style shirts, and even beards. Wider-brimmed hats are also part of the seasonal fashion trend for some Texas cops.

In Waco, the casual look for officers was implemented by Chief Alberto Melis who came to town about two months ago after serving as chief in Lauderhill, Fla. "From a societal and psychological point of view, it is a softer, friendlier look," Melis told *The Associated Press*. "From a purely practical point of view, officers will be much more comfortable wearing these clothes when it gets hot."

Melis, who sports a goatee, will also permit officers to wear beards as long as they are "neat and trimmed."

A combination of weather and medical concerns drove the decision by Corpus Christi officials to allow some officers to wear a new drill sergeant-style hat. The hat is designed with a wider brim to provide more of a sun shade for officers who have a history of skin cancer. Not all officers will be wearing the new headgear, however. Police Chief Pete Alvarez is restricting the hats to those who can provide a doctor's note attesting that they have had or are susceptible to skin cancer.

Noting that skin cancer is the most common type of cancer, Dr. Beverly Held, a local dermatologist, told *The Corpus Christi Caller-Times*. "A better hat for those people that have to stand out in the sunlight is always a better idea. The bigger and wider the hat, the better."

The limitation on who can wear the hats has sparked a mild controversy, with Larry Young, vice president of the Corpus Christi Police Officers Association, arguing that the restrictions are unnecessary and can contribute to excessive medical bills and insurance costs.



Waco police officer David Moreno sports the new casual uniform — complete with neatly trimmed beard. (Wide World Photo)

Alvarez maintained that he has no plans to lift the medical limits on the new hats. "If you want to deviate from the existing uniform then you have to have some type of excuse for doing that," he told *The Caller-Times*.

However, if enough officers express interest in the hats, which cost about \$90 each, Alvarez said he would consider re-evaluating his policy. "If it really catches on then we'll look at it, especially if it makes them more comfortable. Why not?" Alvarez said. "Maybe next budget year we'll have enough money for it."

Bistate task force thinks it has USA's first Internet serial killer

John Robinson posed first as a kindly philanthropist eager to help troubled young women out of poverty, then as "Slavemaster," a sadomasochist seeking like-minded partners. Now, investigators assigned to a Kansas-Missouri task force believe they may have in custody the nation's first documented serial killer to use the Internet as a means of luring victims.

In June, investigators identified the body of Suzette Trouten, 28, during a search of properties owned or rented by the 56-year-old Robinson. Uncovered were the remains of five women — two found stuffed in barrels on a farm he owns in La Cygne, Kan., and three in some storage units rented by the suspect and his wife in Raymore, Mo.

Robinson was arrested this month after two women whom he met online accused him of assault and theft following a tryst at a local hotel.

Lenexa, Kan., Det. David Brown, a spokesman for the bistate investigative team, said the search of Robinson's property was prompted by Trouten's disappearance in March. Police said

Trouten, a nurse's aide, met Robinson via the Internet. He was already under suspicion when the assault complaint was received, Brown said.

Investigators also believe Robinson to have been in contact with at least three other women and a child who subsequently disappeared.

A serial killer using the Internet to lure victims comes as no surprise to Robert Ressler, the former FBI profiler, who said it was only a matter of time before killers began using the new technology. "These people are always there," Ressler told *USA Today*. "It's the technology and the tools they use that are changing."

During the 1950s, a serial killer in Los Angeles named Harvey Glatman used the newspaper personals to attract victims, said Ressler, who worked on the case. "Today, he would be all over the Internet," he said. "This stuff is always there. It's just new twists, new turns and new technology. That's why people have to be extremely guarded against getting involved with strangers."

Robinson, who has been married 20 years and has four children, is considered a hustler and con artist by local authorities. With a lengthy criminal record of theft and fraud, he was sent to prison in Kansas in May 1986. In 1991, he served a prison term for theft in Missouri. Paroled in 1993, he moved to Dlathe, Kan., where he and his wife now live in and manage a mobile home park.

Trouten was reported missing by relatives days after she left Newport, Mich., on Feb. 27 for Kansas in pursuit of a job she found through an Internet chat room.

Authorities have released the names, and in some cases, the photos of four missing women and one missing baby whose disappearances they believe might be related to Robinson. They were: Paula Godfrey, 19, reported missing Sept. 1, 1984; Katherine Clampet, 27, reported missing Jan. 5, 1997; Izabela K. Lewicka, 22, missing since last fall; and Lisa Stasi, 19, who disappeared with her 5-month-old baby, Tiffany, on Jan. 11, 1985.

LASD seen vulnerable to corruption

The Los Angeles Sheriff's Department has left its Community Oriented Policing unit vulnerable to acts of malfeasance by asking members to conduct specialized activities such as undercover surveillance operations without providing them with either the substantive training required for such tasks or the necessary oversight, according to a report this month by the agency's civilian monitor.

Using the Los Angeles Police Department's Ramparts scandal as a backdrop, the semi-annual report by the monitor, attorney Merick J. Bobb, examined areas with the potential for similar problems within the county sheriff's office.

Bobb, who is charged with monitoring the LASD by the county Board of Supervisors, noted that the agency is perhaps in "better shape" than the LAPD. In contrast to the police department, whose own Board of Inquiry blamed the corruption and dishonesty of some sworn personnel on a lack of strong management and oversight, the sheriff's department has for several years maintained a structure for fixing responsibility and keeping "middle management focused on affirmative, active supervision and control," according to Bobb.

Still, "the picture within the LASD is mixed," said the report. In addition to the issues raised concerning the agency's community policing teams, Bobb concluded that the LASD needed to remedy a "lack of clarity" in its poli-

cies on gifts and gratuities. The department also needed to strengthen the Internal Criminal Investigations Bureau (ICIB) with additional staff and resources, and place it in charge of ongoing active intelligence gathering.

These conclusions were reached, Bobb wrote, principally "through the prism" of the agency's COPS program, and reinforced by a recent incident in which a deputy at the Century Station was charged with falsifying reports and records. The report also found the potential for corruption in the mixed messages concerning gratuities.

"We intend to follow closely how the Sheriff solves these ethical puzzles and gives clear guidance," said the report. "Sheriff [Lee] Baca... has stated that he understands how big corruption problems start off small — a deputy pockets a loose piece of rock cocaine or a \$10 bill from the drug dealer's stash.... The guidance that the Sheriff gives, and the examples he and his executives set, will influence the vulnerability of the LASD to a corruption scandal."

The report said a key area of concern within the agency's COPS teams is what the concept means for the LASD. "It was fascinating, yet disturbing, to discover through interviews of sworn members that there were a variety of mistaken views about the mission of community oriented policing, what LASD's goals and expectations were, and who controlled the COPS teams," the report said.

The confusion was said to stem from a lack of clear chain of command and reporting relationships. In a survey questionnaire that became the basis for a March 1999 implementation plan, COPS deputies said they worried about a lack of funding for equipment and supervision; lack of clear direction from the top, and a perception that agency executives and middle managers neither understood nor supported the program. Moreover, there was no real accountability, said the report, and some teams were becoming "strike forces."

Bobb found teams engaging in operations with "inadequate training and experience." "With such loosely defined missions, they have been asked to perform a number of operations without regard for whether they have the necessary skills," he said.

"While it is necessary that any law enforcement officer be a generalist to some degree, COPS teams should not try to supplant other specialized units and teams," Bobb said.

The report also found COPS teams to have a greater ratio of deputies to supervisors than other station teams. Out of 28 such units, seven had more than 10 deputies reporting to single sergeant. But COPS records, it said, showed there are two sergeants who are expected to supervise 17 and 20 subordinates each. Additionally, there are five COPS teams on paper, each with between four and six deputies, without any sergeant supervision.

"While this is understandable in

light of the existing budgetary constraints, it is very dangerous," said the report. "The lack of adequate, involved supervision is often the single common denominator among the various police corruption scandals," it said. "Oversight requires spending the money to actually have someone do it."

Among the report's recommendations is the development of a core values and mission statement for community oriented policing within the LASD and the creation of a COPS Bureau Operations Manual that would mandate consistent documentation, dissemination and retention.

The report also suggested that the team's differing reporting relationships to bureau headquarters and the station captains be clarified. "Ideally, the station captains should 'own' the COPS teams and the bureau's role should be to ensure that grant conditions are met and that bureau standards are applied consistently throughout the LASD," the report noted. Protocols, templates and guidelines for routine community policing tasks should be created, according to the report, along with more mean-

ingful individual operation plans.

"There are too few traditional controls, consistency and trained supervisory staff to provide proper levels of oversight and accountability," said the report. "That trouble hasn't surfaced yet is due largely to luck."

Among the report's key recommendations for fighting corruption within the department was the creation of a permanent unit within the ICIB that would include undercover officers to gather intelligence on corruption and excessive force and plan enforcement activity accordingly.

The ICIB, said the report, has proved itself capable of conducting sophisticated investigations and showed "downright cleverness" in its probe of a credit card fraud scandal at the Twin Towers Jail which resulted in the firing of four deputies and seven civilian workers.

In another case noted by Bobb's report, a Century Station deputy, David Auner, was relieved of a duty and faces felony charges for allegedly filing false crime reports. He was turned in by his trainee.

'First-response' tag doesn't suit Hartford PD

The failure of the Hartford, Conn., Police Department — designated as the city's first medical responder — to provide CPR or basic first aid in more than half of the cases phoned in to the 911 center in the past two years has elected officials and experts on emergency medical service urging municipal leaders to take immediate action to develop a more viable system.

City officials, however, backed away this month from a proposal that would have shifted primary responsibility from police to firefighters at a projected cost of \$1 million a year for the next seven years in raises and enhanced pension benefits. While supporting the transfer of medical duties, Mayor Michael P. Peters told The Hartford Courant, "We have to be prudent, too."

But State Senator John Fonfara (D.-Hartford) called the police numbers "frightening." During 1998 to 1999, the department logged 24,729 medical emergency calls and responded to 8,386 — a rate of 33.9 percent. From May 29, 1999, to May 29, 2000, that percentage rose to 40.7 percent.

In the cities of East Hartford and New Haven where the fire department plays the first-responder role, the response rates were 85 percent and 98 percent, respectively, from Jan. 1, 1999 to Dec. 31, 1999. Moreover, every fire engine, ladder truck, rescue vehicle, medic unit and deputy chief's car in East Hartford has a portable defibrillator — 12 units in all. In Hartford, which logs four times as many medical emergencies, however, the police department does not own one of the devices

that are capable of jolting a heart back to life.

"Hartford residents have rightly complained for years about poor response to quality-of-life issues," Fonfara told The Courant. "This isn't quality of life; it's life or death," he said. "The police numbers show citizens have less than a 50-50 chance of someone showing up fast on a life-threatening call. That's despicable."

A 40-percent response rate means that in some 60 percent of cases of heart attacks, choking and serious injuries, police failed to ensure that victims received CPR or other basic emergency aid within three to five minutes, a crucial period before the arrival of paramedics.

The situation is especially provocative because the commercial ambulance service Hartford uses to provide advanced care and hospital transport, American Medical Response Inc., was found to have often failed to meet response times. The service, according to a report last year in The Courant, also did not always keep the required number of ambulances in the city.

The police department would also prefer to have medical duties shifted to another agency. Police officials say responders sometimes have to bypass medical calls when law enforcement calls come in. "Usually, by the time an officer is free, the ambulance has arrived or has even cleared the scene," said Sgt. Neil Dryfe, the department's spokesman.

According to William Garrish, a spokesman for the state Department of Public Health, a 33.9-percent rate of

response could "very well" violate guidelines for first responders. The state Office of Emergency Medical Services, an arm of the Health Department, would not investigate unless a formal complaint was made. That has not happened with the Hartford department, which was certified by the state as the first responder in 1996.

Should the state confirm the department's inadequacies as a first responder, however, it could revoke that certification. Hartford police union president Michael Wood told The Courant that is exactly what officers want.

Using police as first medical responders is unusual, according to James Page, publisher of the Journal of Emergency Medical Services. "I can think of no other city in the nation the size of Hartford where police serve as first responders," he told The Courant. "Simply put, because of the other demands on their time, using police for EMS cheats the residents."

Fonfara, who is co-chairman of a legislative committee that investigated Hartford's ambulance service, helped pass a law enabling local and state governments to keep better track of the performance of ambulance companies and first responders. He said he would ask Mayor Peters and the Hartford council to take immediate action to fill the gaps in the city's first-responder system.

"It doesn't get any more basic than providing for the public's health and safety," said Fonfara. "If the city can't do it, then the state has a responsibility to address it on an emergency basis and seek a remedy."

Is Boston slacking on bias crimes?

Continued from Page 1

famous in the department. They were on the front lines. Now, they've stacked it with people who aren't obligated to the cause...and aren't going to make waves."

Roache said there is a great deal of concern surrounding the article's assertions among the minority organizations he has spoken with. "Some people dismiss it, but I think it was a really good story because of what's happening around the country," he told Law Enforcement News. "We're still grappling with those issues around race and the police play an important role."

According to Evans, however, The Globe based its story on numbers that were not comparable, thereby creating a skewed picture of hate-crime activity in the city. Prior to 1997, he told LEN, the unit investigated reports which, upon further examination, may or may not have turned out to be hate crimes. The number of those sent back to the districts was not recorded. Under the new classification system, bias crimes and those that turn out not to be hate-based are not mingled. A determination is made after a 48-hour investigation as to whether a hate crime has been committed, Evans said.

The classification has led to a change in the way hate crimes are reported to the FBI. In 1997, the department began submitting lesser net totals. In 1999, for instance, only the 212 cases in which a bias motive was determined were sent to the Bureau, out of the 433 referred to the CDU. "The reality was, before 1997, we investigated 276, and some of them may not have been hate crimes," Evans said.

According to the department's figures for 1999, 433 cases were investigated by the CDU, and 90 were sent back to the district because there was found to be no racial, gender or ethnic motive for the crime. Of the remaining 343, 51 of those involved sexual orientation, a category that was not included until 1996. In effect, Evans said, the net

increase from 1993 to last year was 16 cases, or 7 percent.

In 1998 and 1999, according to the police department, 80 percent of hate crime cases resulted in convictions. Seventy percent of civil rights cases are misdemeanors, which are handled in district courts.

Evans also pointed to the CDU's cooperative relationship with the Boston Housing Authority as a tactic for combating hate crimes — particularly in a case involving the Old Colony housing project. A group of white teenagers arrested there in 1997 after a spate of violent incidents involving minority residents were evicted with their families under a federal policy that allows for the removal if one member is involved in a civil rights crime.

"In a city like Boston, housing is a hammer," Evans told LEN. "The impact the evictions had in lessening the number of cases in public housing has been dramatic," he said.

In his letter to Thomas, the Globe's ombudsman, Evans gave credit to Det. John Maloof as the "moving force" behind the evictions of the Old Colony offenders. "Instead of working in isolation, as the CDU did in the past, Detective Maloof worked with other agencies, i.e., BHA, to get these offenders out of the development permanently," Evans wrote.

Mediation tactics, Evans said, have been used in just a handful of cases over the past few years — just 3 percent of cases since 1996 — and never when the crime has been felonious or involved physical injury. Mediation, which must be approved by both parties to a dispute, is part of the evolution of the CDU, the commissioner said.

"Not every case is a criminal case," he told LEN. "Yet, do you sit around and know that there is tension in the community and wait till it explodes in a criminal act before you take action?" Mediation, he maintained, is a positive step in the process of bringing communities together.

Cox:

Old problems, new problems with report writing

By Clarice R. Cox

"It will save time so that the officer is free to patrol. It's like adding 180 police officers to our police force through the use of technology."

The words are those of Mayor Susan Golding of San Diego, who was praising software that made it possible to e-mail reports from laptops in patrol cars. You could click on to mug shots and have instant access to seemingly endless information, all without returning to the office. Send the report in for approval, and you're on your way, pronto. What could be wrong with that?

Plenty, I think, but consider that as an author of textbooks on documentation for police, security and corrections, I have biases a yard wide and a foot deep. Who remembers the 1970s and '80s? I do, and in my first two textbooks, I wrote about two projects, both designed to speed up reports, neither of which succeeded because they placed too many demands on the working cop.

The Way We Were

Police usually carried notebooks for entering information as soon as possible after an incident. Addresses of girlfriends and grocery lists were verboten. Notebooks were often filed by date and kept in a secure place at home to refresh memories months or years later if a case wound up in court. Yellow tickler pages were there to announce this possibility. Some officers took them to court, but if they did, other pages could be read. One prominent detective said: "If asked for one, I said I would look. I've never found one yet." The main use was to get facts down fast and then be able to organize them to turn out face pages, follow-up pages and even, for some, book-length works.

Defense attorneys could and did make mince-

(Clarice R. Cox developed the first course in police report writing to receive college credit in Hawaii. She is the author of "Criminal Justice: Improving Police Report Writing" (1987), "Instant Teaching Skills" (1995) and, with Jerrold G. Brown, "Report Writing for Criminal Justice Professionals" (1992, 1998).)

meat of any poor report that reached court. The wild card is that no one knows when something simple can literally turn into a federal case. Mistakes any other writer could make with impunity — a typo, misspelling or grammatical error — could be used by attorneys to impeach the credibility of hapless writers. Serious cases could be thrown out and the careers of officers who were burned in court could take an abrupt turn downhill. Ask any officer and you will hear stories of good guys who lost it. Some lose it because they don't find the specific thing that makes one case

could be made for them. However, they are worth next to zero as officer training.

Another practice is to shove all non-liberal arts students into a course usually called Technical Writing. If this is a sheltered class with everyone from the same field, it can work. Often, though, administrators naively assume that such a course can meld students from electronics, engineering, law enforcement and cosmetology. Neither students nor instructors flock to such a course. The result is captive students who are there for the credit and hungry instructors there for the cash.

"A college education is far from a guarantee that an officer has learned to write."

different from another or because their reports have errors not picked up during hasty writing.

Someone Else's Responsibility

Colleges and police academies blame high schools; high schools blame grade schools; parents and teachers blame each other as well as television and the stress of everyday life. A college education is far from a guarantee that an officer has learned to write. The one-course-fits-all choice is Expository Writing, often called English 100 for freshmen. Seasoned instructors consider it an insult to be asked to teach it. Teaching assistants, graduate students and lecturers, those with little pay and no perks, are often handed it almost as a form of hazing.

English 100 can be taught as a general grammar review reinforced with a little writing, as a soul-searching experience ignoring grammar but colorfully expressing the inner self, or, the most frequent choice, through the writing of critical essays on literature, art, philosophy or current events. These are broadening experiences, and a case

"Classes for police should be taught by police" has sometimes been the battle cry. Some of the best teaching is done that way, often guided by Police Officers Standards and Training boards, but sometimes even they come up with a blooper, such as the following, offered in 1972 and reported in my first text.

The California One-Write

Under this system, officers hand-printed on forms held on clipboards the details of what took place. They were expected to adapt quickly to printing in capital letters, with some changed to avoid confusion. An exaggerated tail was added to the letter G to avoid confusion with the letter C, a line through the middle of Z to avoid being mistaken for a poorly written number 2, and a slash through a zero to avoid any mix-up with the letter O. The numeral 1 was not to be a straight up-and-down line so it wouldn't be taken for a capital I or lower-case l, and the number 9 was written with a curled line to avoid confusion with a poorly written number 4.

Since only a standardized format was used, approval and transmittal were supposed to follow quickly. Nothing would be lost in transcription. These were the presumed advantages.

Disadvantages included lack of professionalism if the report went to court and possible difficulty due to mistakes in grammar and poor lettering. However, assertions were made that the primary purpose was accurate information, and that officers should be able to master grammar and that the practice would improve the lettering. Others insisted that notebooks were needed for squad room information as well as organizing thoughts. The clipboard would be awkward to carry, and the beat officer might have to throw it in the bushes when action happened. A clipboard would be no problem when answering a burglary that had already happened, but it would be a bit dicey when responding to a silent alarm.

Officers used to typing or even printing capital letters found the special additions slowed down the writing and were a constant annoyance. Even more important was having their first report be their last. How many bureaucrats, they asked, would be willing to dash off important information without the time to organize and clarify?

Ask California officers now about One-Write. The answer will be, "Huh?"

Roll the Tape

The next great hope for speedy writing, transcribing and duplicating came shortly after One-Write and was promoted in several states. The idea was for the officers (almost always men in the late '70s and early '80s) to speak the information into tape recorders. Secretaries (women, of course) could type the notes into good reports so the reports could then be signed and sent to supervisors for approval.

I was visiting different departments in the United States as I prepared to write my first text, and found optimism rife in Cleveland, Ohio, and other places. Hawaii tried it, too. What could be wrong?

Plenty, in terms of both individual difficulties and mechanical failures. Most men in the field had trouble organizing their thoughts in a coherent order and speaking clearly enough for secretaries to understand. Typists grumbled at being expected to put into law enforcement terms the often garbled mumbblings from the field. Why should they, for less pay, write reports suitable to go to court?

Sometimes secretaries were expected to first locate a more important report buried smack-dab in the middle of a tape. Speed-reading of a tape was impossible, so valuable time was lost. Batteries could wear down and voices would drag, or, if forced to speed up, would sound like Alvin and the Chipmunks. Tapes could also wear out, risking the complete loss of high-profile reports. To remedy this, it became the custom to store recorders on large rechargers as soon as the men came in from the field. This avoided some but not all of the problems. At the time, sexism wasn't mentioned much, but realism did take over. Who uses that speed-up system now?

Laptops to the Rescue

Fast-forward to the 1990s. In a sound-bite so-
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Note to Readers:

The opinions expressed on the Forum page are those of the contributing writer or cartoonist, or of the original source newspaper, and do not represent an official position of Law Enforcement News.

Readers are invited to voice their opinions on topical issues, in the form of letters or full-length commentaries. Please send all materials to the editor.



You still have the right to remain silent, Court rules

Continued from Page 1

for law enforcement. Most importantly, it will continue to provide a public sense of fairness in our criminal justice system."

In upholding Miranda, the Justices said the appellate court had wrongly ignored the ruling's 34-year history and the dozens of follow-up Supreme Court decisions it had spawned. With Miranda having become "embedded in routine police practice" without causing any measurable difficulty for prosecutors, Rehnquist wrote, there was no justification for its being overturned. Moreover, it was not within the purview of Congress to attempt to overturn the Miranda ruling through legislative action.

In a stinging dissent, Justices Clarence Thomas and Antonin Scalia accused their colleagues of dismissing previous rulings in which Miranda's constitutional underpinnings were questioned. Scalia called the Dickerson decision "preposterous" and vowed to continue to apply the 1968 law to relevant cases that reached the high court.

"Since there is in fact no other principle that can reconcile today's judgment with the post-Miranda cases that the court refuses to abandon," wrote

Scalia, "what today's decision will stand for, whether the justices can bring themselves to say it or not, is the power of the Supreme Court to write a prophylactic, extra-constitutional Constitution, binding on Congress and the states."

The decision was deemed a major disappointment by some police groups.

The Miranda decision overcomes its toughest court challenge yet.

Robert Scully, executive director of the National Association of Police Organizations, called it "a vehicle inviting routine efforts to exclude voluntary confessions," and one that would lead to increased litigation in state and federal courts.

"This case was not about whether giving the warnings made good public policy, which many law enforcement officers support," he told The Associated Press. "Rather, it was about the automatic exclusion of incriminating

statements if there was a technical violation of the Miranda guidelines."

Others argue that the practical application of Miranda in police work holds little more than "sacramental value."

In an op-ed piece published in The New York Times the day after the decision, novelist and former federal prosecutor Scott Turow contended that to whatever degree Miranda once hampered the police, law enforcement has learned to adjust.

"I have been practicing criminal law for nearly 22 years, eight years as a federal prosecutor and 14 years in private practice," he wrote. "In that time, I have been involved in exactly one case where the result was changed after a confession was declared inadmissible under Miranda, and that matter involved a juvenile who, in addition to not being told his rights, did not enjoy the benefit of a number of other safeguards applied in Illinois to the questioning of minors."

Turow added that a few hours of computer-aided research did not turn up any decision in the past 12 months in which a confession was suppressed or a conviction reversed because of a Miranda violation.

Problems old & new in the art of police report writing

Continued from Page 9

ciety, "hurry up" was more important than ever. When reports were produced in hard copy, the information could take more than a day going through the system. This was expected to change when men and women in patrol cars used laptops. They could e-mail reports without ever leaving their cars and go on their busy way, without having to return to the station.

A template would help them fill in the facts on the forms, mug shots could be compared with a click, and spell-check and grammar-check functions could avoid mistakes.

So what could go wrong in this wonderful world of technology? Bureaucrats love laptops. Just spend more money on computers and all will be well, right? Wrong. Officers are still expected to compose their thoughts essentially in mid-air, and send in accurate, complete reports immediately. How many officers — or anyone else, for that matter — are willing and able to do such important work with so little time to consider and correct?

Trisha King-Stargel, a training coordinator in Kent, Wash., explained: "We tried putting laptops in cars. Officers found the logistics didn't work except in special circumstances, like use by a fellow officer in the passenger seat. Computers in substations allow the officers to put reports on one disk. They print them out at the end of the shift, read them and sign."

Even so, King-Stargel says it is best to have new officers type or hand-write reports. She recently offered a grammar workshop for officers who had problems and wondered what the response would be. The course filled up rapidly and other officers were eager to attend. Apparently, these officers didn't assume, as some computer enthusiasts do, that a conventional study of grammar is unnecessary.

Some Problems Are Not Solved by Computers

Spell-checks can give the naïve a false sense of security. Some officers have been heard to say, "I don't worry about spelling. I have a spell-check!" In the latest version of my first text, written with the help of a police collaborator, Major Jerrold G. Brown, there are about 150 pairs of homonyms taken directly from reports. These could have led to an officer being burned in court. A misuse could enable a defense attorney to say, as in this case: "How can you trust anything in this report when an officer wrote that he had arrested a *miner* instead of a *minor* with *heroine* in his possession, and his father posted *bale*, as in a bale of hay." Spell-checks don't help with names, either, and misspelling names is a sure-fire way of getting into trouble.

Computers are not infallible. They can indicate a word is wrong when it is really correct. The writer may have intended a plural word and the computer could change it into a possessive form that made no sense. It's up to the writer to know the correct form. When a word is deemed incorrect by the machine, absurd replacements may be suggested. Again, it is up to the writer to know grammar.

There are other problems, like this

one that I'm prone to. My ring finger tends to linger on the "s" key. My computer would catch an extra "s" in the middle of a word, but when I wrote "straining" instead of "training," only an alert proofreader kept me from making a ludicrous mistake. Would officers and supervisors catch such mistakes? Most people see what they expect to see. Defense attorneys are not so gullible.

With changes constantly being made in computer programs, updating can be very costly, and retraining the users takes time and money. State-financed police academies are only as good as their funding.

In a 1999 article, Stephen A. Young, chairman of the National Association for Law Enforcement, is quoted as saying, "One study shows that only two-thirds of the nation's police departments have computers, many of them being far from advanced and used for only the most basic functions." Does this mean we are creating a two-tiered society in law enforcement, the haves and the have-nots? How can we level the playing field?

Obviously, computers are not going the way of One-Write and tape-recording. Both of those systems were variations on using what was available. Computer technology in the 21st century is comparable to the invention of movable type in the 15th century. That caused a revolution in thought and action, but not everyone benefited immediately from Gutenberg's discovery. At least they had more time to assimilate the changes over a period of years. Now even the most brash among us are sometimes startled by the rapid and enormous changes. Meanwhile, headlines so often read, "Low Pay Hampers Police Recruiting."

Outlook for the Future

Optimism is built into our society. With scientific progress, increased education will have to happen. Children are now growing up with far greater capabilities in mastering computers, even though inequities will invariably exist between schools. They certainly exist from department to department, academy to academy, county to county and state to state. The discouraging inequity cited by Stephen Young will have to change. Yet even with that development, laudable though it would be, better training in writing skills — basic grammar, spelling and sentence structure — should be part of training in investigation. In a world of paperless publishing that many people assume to be right around the corner, more — not fewer — skills are needed.

Austerity is often given as the excuse for cutting down training in communication and technology in departments, academies and colleges. It is often the first cut made, and then much more money has to be spent to clear up the mess caused by these false and downright zany economies.

Nobody expects laptops to go the way of One-Write or tape-recording. Laptops and software can only get better and better. Can a stormy society afford to skimp on training officers in both writing and technology needed to provide adequate documentation to protect the public?

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Law Enforcement News

(63000)

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Upcoming Events

SEPTEMBER

6-8. Advanced Field Training. Presented by the National Institute of Ethics, Florida.

6-8. Street Survival 2000. Presented by Calibre Press, Framingham, Mass. \$199.

6-8. Field Training Program for Communications Officers. Presented by the Institute of Police Technology & Management, Jacksonville, Fla. \$395.

11-13. Advanced Field Training. Presented by the National Institute of Ethics, Florida.

11-15. Advanced Practical Homicide Investigation. Presented by the Southern Law Enforcement Foundation, Dallas/Fort Worth, Texas. \$495.

11-15. Leading Law Enforcement into the 21st Century. Presented by the Institute of Police Technology & Management, Jacksonville, Fla. \$525.

11-15. Advanced Gang Investigation. Presented by the Institute of Police Technology & Management, Jacksonville, Fla. \$550.

12. Managing a 911 Center. Presented by the New England Institute of Law Enforcement Management, Wellesley, Mass. \$95.

15. OCAT Instructor Course & Instructor Re-Certification. Presented by R.E.B. Training International, New Hampshire. \$240.

18-19. Integrity Leadership. Presented by the National Institute of Ethics, Hartford, Conn.

18-19. Integrity Leadership. Presented by the National Institute of Ethics, Monroe, Wis.

18-20. Investigative Techniques for Gang-Related Homicides. Presented by the Institute of Police Technology & Management, Jacksonville, Fla. \$395.

18-22. Law Enforcement Ethics: Train the Trainer. Presented by the Southwestern Law Enforcement Institute, Buffalo, N.Y. \$495.

18-22. Police Applicant Background Investigation. Presented by the Institute of Police Technology & Management, Jacksonville, Fla. \$550.

18-22. Narcotic Identification & Investigation. Presented by the Institute of Police Technology & Management, Jacksonville, Fla. \$525.

19-20. Use of Force Instructor Course. Presented by the National Criminal Justice Training Council, Pittsburgh, Pa. \$350.

19-21. Street Survival 2000. Presented by Calibre Press, Orlando, Fla. \$199.

20-22. Advanced Field Training. Presented by the National Institute of Ethics, Hartford, Conn.

20-22. Advanced Field Training. Presented by the National Institute of Ethics, Monroe, Wis.

22-25. Emergency Medical Care. Presented by the Executive Protection Institute, Berryville, Va. \$995.

25. Integrity Leadership — Front-Line

Supervisors. Presented by the National Institute of Ethics, Rockville, Md.

25-27. Street Survival 2000. Presented by Calibre Press, Boise, Idaho. \$199.

25-29. Criminal Patrol Drug Enforcement. Presented by the Institute of Police Technology & Management, Jacksonville, Fla. \$525.

26. Managing Marginal Employees. Presented by the New England Institute of Law Enforcement Management, Wellesley, Mass. \$95.

27. Managing the Media. Presented by the New England Institute of Law Enforcement Management, York, Me. \$95.

For further information:

Addresses & phone/fax numbers for organizations listed in calendar of events.

Calibre Press, 666 Dundee Rd., Suite 1607, Northbrook, IL 60062-2760. (847) 498-5680. Fax: (847) 498-6869. E-mail: staff@calibrepress.com. Web: <www.calibrepress.com>.

CQC Service Group, 8 Kingsbury Lane, Billerica, MA 01862. (978) 667-5591.

Executive Protection Institute, Highlander Lodge, P.O. Box 802, Berryville, VA 22611 (540)-554-2540. Web: <www.personalprotection.com>.

Hutchinson Law Enforcement Training, LLC, P.O. Box 822, Granby, CT 06035. (800) 627-5480. Fax: (860) 653-0788. E-mail: dhutch4848@aol.com. Web: <www.patriotweb.com/hlet>

Institute of Police Technology & Management, University of North Florida, 12000 Alumni Dr., Jacksonville, FL 32224-2678 (904) 620-1PTM. Fax: (904) 620-2453. Web: <www.unf.edu/iptm>.

National Criminal Justice Training Council, P.O. Box 1003, Twin Lakes, WI 53181-1003. (262) 279-5735. Fax: (262) 279-5758. E-mail: NCJTC@aol.com. Web: <www.lawenforcementexpert.com>.

National Institute of Ethics, 1060 West State Rd. 434, Suite 164, Longwood, FL 32760. (407) 339-0322. Fax: (407) 339-7139. Web: <http://www.ethicsinstitute.com>.

New England Institute of Law Enforcement Management, P.O. Box 57350, Wellesley, MA 02457. (781) 239-7033. Fax: (781) 237-4724. Web: <www.ncilem.com>.

Northwestern University Traffic Institute, P.O. Box 1409, Evanston, IL 60204. (800) 323-4011 or (847) 491-5476. Web: <http://www.nwu.edu/traffic/>.

R.E.B. Training International Inc., P.O. Box 845, Stoddard, N.H. 03464 (603) 446-9393. Fax: (603) 446-9394. Web: <www.retraining.com>.

Southern Law Enforcement Foundation, 11814 Coursey Blvd., Suite 330, Baton Rouge, LA 70816 (225) 295-9450. Fax: (225) 295-9451.

Southwestern Law Enforcement Institute, P.O. Box 830707, Richardson, TX 75083-0707. (972) 664-3468. Fax: (972) 699-7172. E-mail: slci@swlegal.org.

Two towns, no departments, and Fed funds hang in the balance

Continued from Page 1

from traffic fines was turned over to Capt. Gerald Davis, according to the warrant. However, a review by the state Comptroller's Office, which was reported in *The Houston Chronicle*, found that no cash deposits were made in the city's bank account from June 1, 1998 to July 15, 1999; only money orders, cashier's checks and personal checks found their way into the account.

One police official told investigators that as much as \$75,000 had been collected by officers for outstanding warrants during the past three years. The money, which was to be used to hire more officers, was allegedly given to several officers as pay raises.

Mayor Carolyn Jones maintained that the seizure of documents and other actions taken by state and federal agents were based on allegations unsupported by facts. "We have to wait till the outcome of the investigation," she told LEN. "There were some allegations made, and because of the allegations, the FBI and the Rangers came in and seized our records. But as of right now, we don't have any answers. I don't

think they knew whether anything was wrong or not, they just made their move based on some allegations."

In Lyford, a town of approximately 2,000 some 40 miles north of Brownsville, trouble came to a head in May when its police chief, Rene Leal, was placed on leave after being indicted on three counts of tampering with evidence. He allegedly staged a shooting incident on April 2 during which he was shot in the knee with a 9mm. pistol on loan to the department.

Acting Chief Randy Reyna and Patrol Officer Noe Torres resigned this month, citing better job opportunities elsewhere. They accused Leal of retaliating against them for cooperating in the investigation that led to his indictment.

In the meantime, coverage is being provided by the Willacy County Sheriff's Office.

Boulton, the COPS office spokesman, said that often in cases such as Lyford's, the city would request to withdraw from the grant program. Depending on the amount of federal funds drawn and how far into the three-year grant cycle the municipality is, they could do so without penalty. There is, however, a "point of no return," he said, where the retention portion of the grant must be administered. In some cases, they can contribute that sum to whichever law enforcement agency is providing service. "The key is they haven't taken federal money for three years and then walked away," he said.

MOVING?

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Creating a Safe School Environment: Curriculum, Management and Operations

October 3, 2000 - 2:00 p.m. - 3:00 p.m. ET

Application of the concepts of Generally Accepted Minimum School Safety Standards (GAMSSS) and Essential Components of School Safety and Security for guiding security operations and concerns.

Instructors: Richard Glover - Mr. Glover is CEO of School Safety Professionals, a consulting firm incorporated to help school systems establish and maintain safe and secure teaching and learning environments. He teaches in the John Jay College Public Management Department.

Hank Murphy - Mr. Murphy was Deputy Director for School Safety for the New York City Public Schools for sixteen years and helped establish the first college-accredited training academy for school security officers. He retired from the NYPD as a Lieutenant.

Streetwise: Language, Culture, Diversity and School Safety

October 10, 2000 - 2:00 p.m. - 3:00 p.m. ET

Training for school safety, security and law enforcement officers on the perceptions, attitudes, myths and stereotypes regarding cultures and peoples that may effect their ability to perform their duties with increasingly diverse student populations.

Instructor: Herbert A. Johnson - Mr. Johnson is the Associate Director of the Criminal Justice Center & Security Management Institute at John Jay College. He has developed cultural diversity training modules for the New York City Board of Education School Safety Officers, security personnel and law enforcement officers. The "Streetwise" curriculum has been delivered to more than 5,000 graduates of the NYPD training academy.

Bomb Threat and Incident Planning

October 17, 2000 - 2:00 p.m. - 3:00 p.m. ET

Information on how to develop a Bomb Threat and Incident Plan for response to bomb threats or actual bombing incidents in schools.

Instructor: Brendon Patrick O'Hanlon - Mr. O'Hanlon consults on International Security and Counter-Terrorism for the Criminal Justice Center & Security Management Institute. He retired as the Assistant Director for Protection of the U.S. State Department's Diplomatic Security Service.

Responding to Acting-out Behavior

October 24, 2000 - 2:00 p.m. - 3:00 p.m. ET

An examination of acting-out behaviors in youths such as emotional disturbance, MICA (mentally ill chemical abuse) and suicide. Warning signs and suggested responses will be presented.

Instructor: Robert J. Loudon, Ph.D. - Dr. Loudon is the Director of the Criminal Justice Center & Security Management Institute at John Jay College. His twenty-one year police career with the NYPD included serving as the Commanding Officer of the Hostage Negotiating Team.

Community Policing in Schools

October 31, 2000 - 2:00 p.m. - 3:00 p.m. ET

The development and maintenance of police/school community partnerships in creating safe and secure environments for learning, teaching and socializing in schools.

Instructor: Launcelott Smith - Mr. Smith is the Project Director for the New York State Regional Community Policing Institute located at John Jay College, where he also teaches for the Criminal Justice Center & Security Management Institute. He retired at the rank of Detective-Lieutenant after twenty-four years service in the NYC Housing Authority Police Department.

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Writes of passage:

When it comes to teaching cops the art of good report-writing, it seems every solution comes with its own set of new problems. What will it really take to improve things?

See Forum, Page 9.

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What They Are Saying:

“There are too few traditional controls, consistency and trained supervisory staff to provide proper levels of oversight and accountability. That trouble hasn’t surfaced yet is due largely to luck.”

— From the semi-annual report by the civilian monitor for the Los Angeles County Sheriff’s Department, who said areas of the department had been left vulnerable to police corruption and misconduct. (Story, Page 8.)